REMARKS

I. STATUS OF CLAIMS

Claims 3-17 and 21 are pending in this application. New claims 26-38 have been added herein. Great care has been taken to avoid the introduction of new matter into the present application.

II. REJECTIONS UNDER 35 U.S.C 103(a)

A. Examiner rejects Claims, 3-5, 7, 8 and 21 under 35 U.S.C 103(a) as being unpatentable over Chin-Fu in view of Lebensfeld et al.

The last office action has been carefully considered. In the last office action the Examiner rejected claims 3-5,7, 8 and 21 under 35 U.S.C. 103 (a) being unpatentable over Chin-Fu in view of Lebensfeld et al.

Independent claim 3 of the present application recites, in pertinent part, a water amusement apparatus in which a sequential triggering mechanism that includes confronting first and second switch plates slidably coupled to each other.

The Examiner in rejecting claim3 reasoned that the patent to Chin-Fu discloses "the sequential trigger mechanism (18) includes first (22) and second (24) switching plates ... as being slidable."

Applicants respectfully disagree with the Examiner's position. The patent to Chin-Fu discloses a water ejecting pistol toy in which "a spring switch is electrically coupled to a first end thereof to the battery compartment, and contains a second, free end extending to a location above the trigger." (Col.1 ,lines 62-67).

The patent to Chin-Fu does not disclose first and second switch plates slidably coupled to each other as is recited in independent claim3 of the present application.

Moreover, terminal 24 of the patent to Chin –Fu is a fixed terminal is incapable of sliding with respect to switch end 22.The patent to Chin –Fu clearly disclaims sliding of part 22 which is the free end of spring switch which touches terminal 24 [col.4, lines 19-21]. Figures, 2, 3 and 4 of Chin-Fu clearly support against an interpretation of "pushed against" to mean "being slidable." As Figures 2, 3, and 4 of Chin-Fu show part 22 singularly touches part 24 at the same single point every time the trigger 18 is pressed to activate motor. Chin-Fu clearly disclaims "the sequential trigger mechanism" by saying that the toy operates "[a]s long as the trigger 18 is pressed and held." [col. 4, lines 37-39], identifying only a single position to which the trigger 18 could be pushed.

In contrast, support for "the sequential trigger mechanism" feature in the present application may be found throughout the specification and in particular on page 2 paragraphs 32, page 3 paragraphs 40, 41, 43 and Fig 3A-6. For instance, on the above pages of the present specification, a particular embodiment of the presently claimed invention sets forth an example of how "[s]queezing trigger 24 towards the handle portion 16 causes the plunger 46 to open the valve mechanism 44." One having ordinary skill in the art at the time invention was made would readily understand that coupling trigger to plunger would mean creating sequential sliding movement by varying pressure with which one would pull the trigger. Further, Applicants' sequential trigger mechanism is 180 degrees opposite in spirit and function of Chin-Fu trigger. One skilled in the art at the time invention was made would understand that in Applicants' sequential trigger mechanism the first and second switch plates move along their respective longitudinal axes as well as that of the longitudinal axis of the gun. On the above pages of the present specification, Page 3 paragraph 40, Figs 5 and 6, a particular embodiment of the claimed invention set forth example of how "The second

switch plate 72 is slidably received by the first switch plate 74 such that the second switch plate 72 can travel in overlapping fashion with respect to the first switch plate 74."

Accordingly, it is respectfully submitted that independent claim3 is neither taught nor suggested by the patent to Chin-Fu either alone or in combination with the patent to Lebensfeld, et. al.

For the aforementioned reasons it is respectfully submitted that claims 4-5, 7, 8 and 21 which depend on independent claim 3 are not suggested by the patent to Chin-Fu alone or in combination with the patent to Lebensfeld et al.

New independent claim 26 substantially recites the subject matter of independent claim 3 and further recites, in pertinent part that the first switch plate has a longitudinal axis and that the second switch plate has a longitudinal axis and that at least one of the switch plates is adapted to slidably move with respect to another one of the switch plates along their respective longitudinal axes For the reasons discussed previously with regard to the rejection of claim3, the patent to Chin-Fu does not teach nor suggest such a feature as is recited in new independent claim 26.

Further, applicants respectfully disagree with the Examiner's position that providing "an IR transmitter and receiver" makes the Applicants' invention subject to obviousness rejection over Chin-Fu in view of Lebensfeld et al. Lebensfeld et al. clear states on col. 1 lines 18-22 that Lebensfeld et al. invention "relates to a portable, interactive toy for a shooting game played by radiating energy, e.g.., light ..." Throughout specification col. 2 lines 10-12, 19- 21, 36- 41, col. 7 lines 33-36, col. 12 lines 13-16, Lebensfeld et al. makes it clear that the goal of invention is to enhance interactivity of a game played by shooting and detecting light-type interactions. In col. 2 lines 37-42, Lebensfeld et al only speaks about providing "audio and/ or visual effects." In col. 2 lines 42-44, Lebensfeld et al specifies a preferred embodiment that "comprises at least one light emitter, at least one light detector, and at least one audio device and/or visual

device." Lebensfeld et al lacks any description that would make possible a combination of a light shooting mode with a water shooting mode in the same device.

In contrast, a player's ability to select whether to play in a water shooting mode, a light shooting mode or a combination of water shooting and light shooting is Applicants' invention. As found throughout the specification and in particular on page 2 paragraphs 23, page 3 paragraphs 43-46, Applicants' invention relates to "a water amusement device" which "... is capable of firing both a stream of water and an IR beam during play." Whereas Lebensfeld et al. does not cite any distinction in playing methods based on whether the game is played inside or outside; Applicants' specifically address the fact that "[w]hen used indoor, the subject invention can be used exclusively without water."

In addition, as it may be found throughout the specification and in particular on page 2 paragraph 39, page 3 paragraphs 39-41, Figs 4-6, Applicants invention allows for a trigger mechanism to select different play methods. "Contact between conductive strips on different strips on different switch plates enable a circuit to close between a suitable power source ... and an LED 68 (or LEDs) or an IR emitter 26 or a motor (to power the air pump 33)."

Applicants further respectfully disagree with the Examiner's reasoning that plurality of lights as taught by Lebensfeld et al renders applicants' invention obviousness. Throughout specification col. 6 lines 4-7, lines 22-24, col. 10 lines 47-49, col. 11 lines 43-49, col. 12 lines 32-36, Figs, 1,2, col. 10 Table 5B lines 17-19, Lebensfeld et al. clearly designate LEDs 74, 75 to be "LED indicators." These LEDs only provide visual effects from a single location on the body of a gun, indicating for participants that the gun is firing. Further, the modification which Chin-Fu suggests in col.4 lines 57-58 to increase the entertainment value, relates to the fact that "the bulb 40 is covered with a red-color lamp shade 42, red-color light is emitted near the gun point of the pistol body 10."

In contrast, Applicants' use of a plurality of LEDs 68 is mainly functional to illuminate the ejected stream of fluid from a multiple locations on a body of the gun and support for such use may be found throughout the specification as originally filed and in particular on page 2 paragraphs 39 and page 3 paragraphs 39-41, 43. For instance, on the above pages of the present specification, a particular embodiment of the presently claimed invention sets forth an example of how "[s]queezing the trigger will cause the squirt gun progressively illuminate from the rear to the front, and generally simultaneously to the illumination, a coherent stream of fluid is discharged from the barrel of the gun." In addition, on the above pages of the present specification a particular embodiment of the claimed invention set forth example of how "[a]s the trigger 24 progresses towards the handle portion ... allow the LED's to activate sequentially by position."

Withdrawal of the rejection of Claims, 3-5,7, 8 and 21 is respectfully requested.

B. Examiner rejects Claims 6 and 12-17 under 35 U.S.C 103(a) as being unpatentable over Chin-Fu in view of Lebensfeld et al. and Greenberg et al.

Examiner interprets that Greenberg et al. teach a trigger lock mechanism (23) which in combination with teachings of Chin-Fu and Lebensfeld et al. would make it obvious Applicants' invention to one having ordinary skill in the art at the time the invention was made.

Applicants respectfully disagree with the Examiner's opinion that it would be obvious to one having ordinary skill in the art at the time the invention was made to combined all three references. The non-obviousness of combining Chin-Fu and Lebensfeld et al. was addressed above. Throughout specification col. 7 lines 52-66, col. 8 lines 7-19, Figs, 5, Greenberg et al. only teach using a trigger

lock mechanism to keep "the valve is maintained in an open position and water is continuously ejected from nozzle 38 to propel the water craft even after the trigger has been released." Greenberg et al employ a trigger lock mechanism to extend natural action of a water gun which is to eject water upon squeezing a trigger.

In contrast, Applicants' use of a trigger lock mechanism is 180 degrees opposite of the use taught by Greenberg et al. Applicants' use of a trigger lock mechanism to prevent or disable the invention from being operational in one or both of its natural play methods. The support for such use of a trigger lock mechanism may be found throughout the specification as originally filed and in particular on page 3 paragraphs 44. For instance, on the above pages of the present specification, a particular embodiment of the presently claimed invention sets forth an example of how " the gun is disable for a period of time ... by use of a trigger lock mechanism ..." and "... is not able to discharge liquid or an IR signal..."

Withdrawal of the rejection of Claims 6 and 12-17 is respectfully requested.

C. **Examiner rejects Claims 9-11 under 35 U.S.C 103(a) as being unpatentable over Chin-Fu in view of Lebensfeld et al. and Minoura et al.**

Examiner interprets that Minoura et al. teach a fluid-discharge device having a plurality of tanks (2-6) with associated trigger valves (20-24), and a purge valve (67) which in combination with teachings of Chin-Fu and Lebensfeld et al. would make it obvious Applicants' invention to one having ordinary skill in the art at the time the invention was made.

Applicants respectfully disagree with the Examiner's opinion that it would be obvious to one having ordinary skill in the art at the time the invention was

made to combined all three references. The non-obviousness of combining Chin-Fu and Lebensfeld et al. was addressed above. Throughout the specification col. 1 lines 6-7, 47-50, 59-61, col. 2 lines 53-55, Minoura et al. identify the invention as "a multiple color painting apparatus for painting, e.g., car bodywork." Applicants respectfully disagree with Minoura et al. being cited as belonging to related or similar art as Applicants' invention which is an amusement device. In addition throughout specification col. 3 lines 8-11, lines 15-16, line 52-55, col. 4 lines 6-9, Minoura et al. teach "a delivery passage through which the paints of different colors flow commonly." Minoura et al. invention is to use a plurality of tanks to enable uninterrupted painting with various colors.

In contrast, the use by Minoura et al. teaches away from applicants' use of additional tanks with associated trigger valves and purge valves. The present invention uses a single tank in association with a single spray nozzle. The support for such an association of a single tank with a single spray nozzle may be found throughout the specification and in particular on page 2 paragraphs 34-37 and Figs 3A and 3B. For instance, on the above pages of the present specification, a particular embodiment of the presently claimed invention sets forth an example of how "[s]queezing the first trigger 60 opens the first trigger valve mechanism 58, allowing fluid to flow from tank 38 to the coherent nozzle 42..." and "[s]queezing the second trigger 60 opens the second trigger valve, allowing fluid to flow from the second tank 56 to a conical spray nozzle 66..." Further, Minoura et al specification lacks any part which is named or identified as a "purge valve." Whereas, support for Applicants' use of a purge valve may be found throughout the specification as originally filed and in particular on page 2 paragraphs 36 and FIG. 3B. For instance, on the above pages of the present specification, a particular embodiment of the presently claimed invention sets forth an example of how "a pressure in excess of 40 psi in the first tank 38 opens the purge valve 54, enabling fluid to transfer from the first tank 38 to the second tank 56." In Applicants' invention, a purge valve in a particular embodiment of the presently claimed invention enables filling with fluid both tanks through a single opening in tank 38. One skilled in the art would not have considered the disclosure of

Minoura et al because it would lead to mixture of paints and defeat the purpose of invention which is to keep each paint color in its own isolated tank.

Withdrawal of the rejection of Claims 9-11 is respectfully requested.

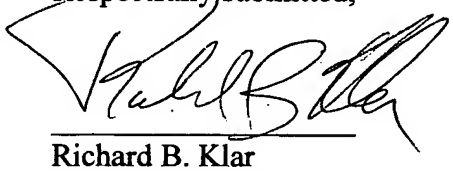
III. CONCLUSION

In view of the arguments made it is believed that all pending claims as currently presented are now in condition for allowance.

According to currently recommended Patent Office policy, the Examiner is requested to contact the undersigned at the telephone number below in the event that a telephone interview will advance the prosecution of this application.

Allowance of the claims remaining in the present application is earnestly solicited.

Respectfully submitted,



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